

ASSEMBLY BILL

No. 2469

Introduced by Assembly Member Linder

February 21, 2014

An act to amend Section 34601 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2469, as introduced, Linder. Vehicles: motor carriers.

Existing law prohibits a motor carrier of property, as defined, from operating a commercial motor vehicle on any public highway in the state, unless it has obtained a carrier identification number in accordance with specified provisions, has registered the identification number with the Department of Motor Vehicles, and holds a valid motor carrier permit issued to that motor carrier by the department.

This bill would make technical, nonsubstantive changes to the definitions that apply to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 34601 of the Vehicle Code, as amended
- 2 by Section 13.5 of Chapter 500 of the Statutes of 2013, is amended
- 3 to read:
- 4 34601. (a) As used in this division, “motor carrier of property”
- 5 means ~~any~~ a person who operates ~~any~~ a commercial motor vehicle
- 6 as defined in subdivision (c). “Motor carrier of property” does not
- 7 include a household goods carrier, as defined in Section 5109 of

1 the Public Utilities Code, a household goods carrier transporting
2 used office, store, and institution furniture and fixtures under its
3 household goods carrier permit pursuant to Section 5137 of the
4 Public Utilities Code, ~~persons~~ *a person* providing only
5 transportation of passengers, or a passenger stage corporation
6 transporting baggage and express upon a passenger vehicle
7 incidental to the transportation of passengers.

8 (b) As used in this division, “for-hire motor carrier of property”
9 means a motor carrier of property as defined in subdivision (a)
10 who transports property for compensation.

11 (c) (1) As used in this division, except as provided in paragraph
12 (2), a “commercial motor vehicle” means ~~any~~ *a* self-propelled
13 vehicle listed in ~~subdivisions~~ *subdivision* (a), (b), (f), (g), ~~and~~ *or*
14 (k) of Section 34500, ~~any~~ *a* motortruck of two or more axles that
15 is more than 10,000 pounds gross vehicle weight rating, and any
16 other motor vehicle used to transport property for compensation.

17 (2) As used in this division, “commercial motor vehicle” does
18 not include any of the following:

19 (A) ~~Vehicles~~ *A vehicle* identified in subdivision (f) of Section
20 34500, if the gross vehicle weight rating of the towing vehicle is
21 10,000 pounds or less.

22 (B) ~~Vehicles~~ *A vehicle* identified in subdivision (g) of Section
23 34500, if the hazardous material transportation does not require
24 the display of ~~placards~~ *a placard* under Section 27903, a license
25 under Section 32000.5, or a hazardous waste transporter registration
26 under Section 25163 of the Health and Safety Code, and the vehicle
27 is not operated in commercial use.

28 (C) ~~Vehicles~~ *A vehicle* operated by a household goods carrier,
29 as defined in Section 5109 of the Public Utilities Code, under the
30 household goods carrier permit pursuant to Section 5137 of that
31 code.

32 (D) ~~Vehicles~~ *A vehicle* operated by a household goods carrier
33 to transport used office, store, and institution furniture and fixtures
34 under its household goods carrier permit pursuant to Section 5137
35 of the Public Utilities Code.

36 (E) ~~Pickup trucks~~ *A pickup truck* as defined in Section 471, if
37 the conditions in subparagraphs (A) and (B) are also met.

38 (F) ~~Two-axle~~ *A two-axle* daily rental ~~trucks~~ *truck* with a gross
39 vehicle weight rating of less than 26,001 pounds, when operated
40 in noncommercial use.

1 (G) ~~Motortrucks~~ A *motortruck* or two-axle truck-tractors tractor,
2 with a gross vehicle weight rating of less than 26,001 pounds,
3 operated solely to tow a camp trailer, trailer coach, fifth-wheel
4 travel trailer, trailer designed to transport watercraft, or utility
5 trailer. ~~Vehicle combinations~~ A *vehicle combination* described in
6 this subparagraph ~~are~~ is not subject to Section 27900, 34501.12,
7 or 34507.5.

8 (H) ~~Motortrucks~~ A *motortruck* or two-axle truck-tractors tractor,
9 with a gross vehicle weight rating of less than 16,001 pounds,
10 operated singly in noncommercial use.

11 (d) ~~For purposes of~~ As used in this chapter, “private carrier”
12 means a motor carrier of property, who transports only his or her
13 own property, including, but not limited to, the delivery of goods
14 sold by that carrier.

15 (e) This section shall remain in effect only until January 1, 2016,
16 and as of that date is repealed, unless a later enacted statute, that
17 is enacted before January 1, 2016, deletes or extends that date.

18 SEC. 2. Section 34601 of the Vehicle Code, as added by
19 Section 14 of Chapter 500 of the Statutes of 2013, is amended to
20 read:

21 34601. (a) As used in this division, “motor carrier of property”
22 means ~~any~~ a person who operates ~~any~~ a commercial motor vehicle
23 as defined in subdivision (c). “Motor carrier of property” does not
24 include a household goods carrier, as defined in Section 5109 of
25 the Public Utilities Code, a household goods carrier transporting
26 used office, store, and institution furniture and fixtures under its
27 household goods carrier permit pursuant to Section 5137 of the
28 Public Utilities Code, ~~persons~~ a *person* providing only
29 transportation of passengers, or a passenger stage corporation
30 transporting baggage and express upon a passenger vehicle
31 incidental to the transportation of passengers.

32 (b) As used in this division, “for-hire motor carrier of property”
33 means a motor carrier of property as defined in subdivision (a)
34 who transports property for compensation.

35 (c) (1) As used in this division, except as provided in paragraph
36 (2), a “commercial motor vehicle” means ~~any~~ a self-propelled
37 vehicle listed in ~~subdivisions~~ subdivision (a), (b), (f), (g), ~~and~~ or
38 (k) of Section 34500, ~~any~~ a motortruck of two or more axles that
39 is more than 10,000 pounds gross vehicle weight rating, and any
40 other motor vehicle used to transport property for compensation.

(2) As used in this division, “commercial motor vehicle” does not include any of the following:

(A) ~~Vehicles~~ *A vehicle* identified in subdivision (f) of Section 34500, if the gross vehicle weight rating of the towing vehicle is 10,000 pounds or less.

(B) ~~Vehicles~~ *A vehicle* identified in subdivision (g) of Section 34500, if the hazardous material transportation does not require the display of ~~placards~~ *a placard* under Section 27903, a license under Section 32000.5, or a hazardous waste transporter registration under Section 25163 of the Health and Safety Code, and the vehicle is not operated in commercial use.

(C) ~~Vehicles~~ *A vehicle* operated by a household goods carrier, as defined in Section 5109 of the Public Utilities Code, under the household goods carrier permit pursuant to Section 5137 of that code.

(D) ~~Vehicles~~ *A vehicle* operated by a household goods carrier to transport used office, store, and institution furniture and fixtures under its household goods carrier permit pursuant to Section 5137 of the Public Utilities Code.

(E) ~~Pickup trucks~~ *A pickup truck* as defined in Section 471, if the conditions in subparagraphs (A) and (B) are also met.

(F) ~~Two-axle~~ *A two-axle* daily rental ~~trucks~~ *truck* with a gross vehicle weight rating of less than 26,001 pounds, when operated in noncommercial use.

(G) ~~Vehicles~~ *A vehicle* never operated in commercial use, including ~~motortrucks~~ *a motortruck* or two-axle truck ~~tractors~~ *tractor*, with a gross vehicle weight rating of less than 26,001 pounds, when operated singly, or, when used to tow a camp trailer, trailer coach, fifth-wheel travel trailer, trailer designed to transport watercraft, or a utility trailer, never operated in commercial use. ~~Vehicle combinations~~ *A vehicle combination* described in this subparagraph ~~are~~ *is* not subject to Section 27900, 34501.12, or 34507.5.

(d) ~~For purposes of~~ *As used in* this chapter, “private carrier” means a motor carrier of property, who transports only his or her own property, including, but not limited to, the delivery of goods sold by that carrier.

(e) This section shall become operative on January 1, 2016.

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